

AMENDMENTS TO THE CLAIMS

Claims 1–20 (Cancelled)

21. (Currently Amended) A method of facilitating private instruction over a network between a teacher and a student, the method comprising:

- receiving profile information associated with a student from a first client system;
- transmitting, by a server system, a placement test to the first client system via a network;
- registering, by the server system, the student in a course based, at least in part, on responses to the placement test received from the first client system;
- arranging at least some of the profile information associated with the registered student in a queue of the server system, the queue further including different profile information associated with at least one other student; and
- removing the arranged profile information associated with the registered student from the queue in response to selection indicia received from a second client system, the selection indicia being associated with a teacher of the course, wherein the first and second client systems thereafter exchange at least some messages ~~pertaining to~~ during performance of the course independently of the server system.

22. (Previously Presented) The method of claim 21, wherein the first and second client systems are located in different time zones.

23. (Previously Presented) The method of claim 21, wherein the responses to the placement test are indicative of the student's proficiency in subject matter associated with the course.

24. (Previously Presented) The method of claim 21, wherein the second client system is operated by the teacher of the course.

25. (Previously Presented) The method of claim 21, wherein the second client system is operated by an administrator who matches the student with the teacher.

26. (Previously Presented) The method of claim 21, wherein the profile information of the registered student identifies a preferred time of day and a preferred day of the week for exchanging messages between the first and second client systems.

27. (Previously Presented) The method of claim 21, wherein the profile information arranged within the queue of the server system corresponds to students awaiting teacher assignments to the course.

28. (Previously Presented) The method of claim 21, wherein the messages exchanged between the first and second client systems correspond to at least one of electronic mail messages, voice messages, and text messages.

29. (Previously Presented) The method of claim 21, wherein the course is intended to teach a language that is not native to the student.

30. (Previously Presented) The method of claim 21, further comprising:
forming, by the server system, an electronic mail account for the student, wherein the electronic mail account is used to exchange messages between the first and second client systems.

31. (Previously Presented) The method of claim 30, further comprising:
transmitting, by the server system, information associated with the course to the first client system using the electronic mail account.

32. (Previously Presented) The method of claim 21, further comprising:
transmitting, by the server system, web page information associated with the course to the first client system.

RESPONSE

Claims 13-32 were pending, with claims 13-20 having been previously withdrawn from consideration. Upon entry of this paper, previously-withdrawn claims 13-20 are cancelled without prejudice and claim 21 (the sole independent claim) is amended to expedite allowance of the application. Accordingly, claims 21-32 are pending. No new matter is introduced upon entry of this paper in that support for the amendment made to claim 21 can be found, for example, in paragraph [0032] of the application.

Applicants thank Examiner Duhol for discussing the merits of the application with the undersigned attorney on October 15, 2004. The amendment to claim 21 is directed to placing the application in better condition for allowance and is made in view of the Examiner's comments during the October 15, 2004 telephonic interview. Accordingly, Applicants respectfully request reconsideration of the rejections and allowance of the currently pending claims.

Rejections Under 35 U.S.C. §103

Claims 21-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,325,632 to Chao et al. ("Chao") in view of U.S. Pat. No. 6,544,042 to Lippman ("Lippman") and U.S. Pat. No. 6,236,975 to Boe et al. ("Boe"). In particular, the Office Action asserts, at the top of page 3, that the claimed aspect of exchanging information independently of the server system is taught by email communications during a trial session as taught by Chao (see Chao column 6, lines 13-15).

Applicants respectfully disagree that Chao teaches exchanging at least some messages independently of the server in that Chao's session manager monitors the duration of sessions, allows for trial sessions, establishes sessions, and monitors sessions between teachers and students (see Chao FIG. 7; column 5, line 66 to column 6, line 18; and column 2, lines 46-50) and that such session manager operates on a server computer (see Chao FIG. 1 and column 7, lines 4-7). Further, the system in Chao determines the amount that a student owes to the instructor based on the duration of a session as monitored by the session manager (Chao column 2, lines 50-51 and column 6, lines 45-54). Accordingly, interpreting Chao to enable the exchange of at least some messages pertaining to a course independently of a server system (as recited in claim 21, prior to amendment), is not supported by Chao's specification and would

indeed make embodiments disclosed in Chao inoperable, because there would be no specified way to determine the amount of payment that was due by a student. The Lippman and Boe references are also silent in this regard and thus do not provide any teaching or motivation with respect to the claim limitation.

Although this reason is believed to be sufficient to establish the patentability of claim 21 (in its form prior to this amendment), over the cited references, the Applicants have amended the language in claim 21 to indicate that at least some messages exchanged independently of the server occur during the performance of the course and are not therefore analogous to the trial session messages that are communicated in Chao in which the decision on selecting an instructor has not even been made, let alone occurring during the performance of a course (Chao column 6, lines 8-12). This claim amendment is made solely to expedite the allowance of the application and does not represent an acquiescence to any of the bases for rejection set forth in the current Office Action. The Applicants reserve the right to pursue claims with the same, lesser, or greater scope in any later-filed, related applications.

Further, the Office Action (on page 4) relies on Boe with respect to the removal of arranged profile information associated with a registered student from a queue, even though Boe discloses a database and not a queue and otherwise pertains to unrelated subject matter. As is apparent to those skilled in the art, the ordered data stored in a queue (e.g., First-In-First-Out) of the claimed methodology is not analogous to a database, such as that disclosed by Boe. Further, Boe pertains to a system for profiling customers for targeted marketing purposes and has nothing whatsoever to do with facilitating private instruction over a network between a teacher and a student, especially where the student is already registered in a course and there is no reason for the targeted marketing activities as described in Boe. Accordingly, the Applicants respectfully submit that Boe does not teach a queue (or its equivalent), as claimed in claim 21, and that Boe fails even to qualify as related art and thus is not properly combined with Chao for the purposes of rejecting the claims of the application.

For at least the foregoing reasons, Applicants believe that claim 21 and the claims depending therefrom are patentable over the cited references and therefore request reconsideration and withdrawal of the rejections, as well as a speedy allowance. Note further, that silence with respect to the propriety of combining Lippman with Chao and Boe, as well as

silence with respect to other statements made in the Office Action regarding claim 21 and/or its dependent claims is not an acquiescence to the Office Action's statements, but rather a recognition that a response to such statements is not required to secure the allowance of the application in view of the above-stated reasons for patentability of the currently pending claims.